



BUCKET NO.: ISIS-4718

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re Application of:

Cook et al.

Serial No.: 09/805,630

Group Art Unit: 1635

Filing Date: March 14, 2001

Examiner: Janet L. Epps

For: PHOSPHOROTHIOATE OLIGONUCLEOTIDES HAVING MODIFIED  
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DATE OF DEPOSIT: February 21, 2003

Assistant Commissioner for Patents  
Washington, D.C. 20231

### RESPONSE TO RESTRICTION REQUIREMENT

Claims 2-15 and 17-47 are pending. In response to the restriction requirement of the February 3, 2003 Office Action, Applicants provisionally elect claims 19 and 34-47 (Group II) with traverse.

The Office Action also requires that Applicants elect one species to assist the Examiner in the search of the prior art. Applicants elect the compound of Example 2: T\*GC ATC CCC CAG GCC ACC A\*T.

Notwithstanding the foregoing, Applicants traverse the election requirement. M.P.E.P. 803 provides:

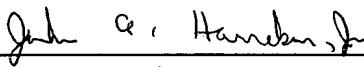
If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Thus, for a restriction requirement to be proper, the Examiner must establish the following two criteria: (1) the existence of independent and distinct inventions, (35 U.S.C. 121); and (2) that the search and examination of the entire application cannot be made without serious burden (M.P.E.P. 803). Applicants submit that a combined search for Groups I and II claims

would not pose a serious burden on the Examiner because both groups are drawn to subject matter belonging to the same Class. Applicants respectfully request that the Examiner reconsider this restriction requirement.

Respectfully submitted,

Date: February 21, 2003

  
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